IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE M. H. S. ANSARI

and
THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

WRIT PETITION NO: 19339 of 2004

Between:

M/s. Sri Satyasai Metal Industries, Khaji Street, Rajahmundry, rep.by its Managing partner, Mr. Vakacherla Venkateswara Rao.

... PETITIONER

AND

1. The Commercial Tax officer, Rajahmundry Circle, Rajahmundry.
2. M/s. A P Backward Classes Cooperative Finance Corporation Ltd.,
6th floor, Samkshema Bhavan, Masab Tank, Hyderabad,
rep. by its Vice Chairman & Managing Director.
3. The Deputy Commercial Tax officer, Rangreezpeta, Rajahmundry.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction- a) declaring the action of the 1st and 3rd respondents in proceeding to recover the balance tax due of Rs.4.54.429/- for the assessment year 1999-2000 in respect of the sales made to the 2nd respondent under the Adarana Scheme as illegal and arbitrary; b) to direct the 2nd respondent Corporation to pay the sales tax on the turnover of Rs.3,19,27,710/- @ 4% directly to the 1st respondent in accordance with the understanding entered with Commercial Taxes Department by the 2nd Respondent regarding payment of sales tax; c) or in the alternative direct the 1st Respondent to revise the assessment and re-determine the liability in accordance with the Award passed in the arbitrator dated
11-3-2002, and d) or in the alternative direct the 1st & 3rd respondents to defer the recovery of balance tax of Rs.4,54,429/- for the assessment year 1999-2000 till disposal of O.P.980/2002 filed by the petitioner on file of Chief Judge, City Civil Court, Hyderabad.

Counsel for the Petitioner: MR. P. SRINIVASA REDDY

Counsel for the Respondents 1 &3: GP FOR COMMERCIAL TAX

Counsel for the 2nd respondent: SPL. S.C FOR COMMERCIAL TAX

The Court made the following:

-

-

ORDER:(per Hon'ble Sri Justice M. H. S. Ansari)

Learned Counsel for the petitioner seeks permission to withdraw the writ petition. Accordingly, the same is dismissed as withdrawn. No order as to costs.

_____

M. H. S. ANSARI, J

_____

T. CH. SURYA RAO, J

Dt.17-01-2005

Glv

Copy to:

1. The Commercial Tax officer, Rajahmundry Circle, Rajahmundry.
2. The Vice Chairman & Managing Director,
M/s. A P Backward Classes Cooperative Finance Corporation Ltd.,
6th floor, Samkshema Bhavan, Masab Tank, Hyderabad,
3. The Deputy Commercial Tax officer, Rangreezpeta, Rajahmundry.

4. Two CCs to GP for Commercial Tax, High Court Buildings, Hyderabad.
(OUT)

5. Two C.D copies.